

### REMARKS

Claims 13, 14, 109 and 110 are presently pending in the application. Upon further consideration, the Examiner has required restriction under 35 U.S.C. § 121 to one of the following groups:

|          |   |
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| Group I  | Claim 109, the first and second depicted compounds; and   |
| Group II | Claim 109, the third and fifth depicted compounds; and  |
| Group II | Claims 13, 14, 109 (the remaining compounds not in Groups I or II) and 110, drawn to compounds. |

The Examiner has alleged that restriction is proper because the compounds within the Markush group either do not share a common utility or do not share a substantial structural feature disclosed as being essential to that utility. Applicants respectfully assert that the compounds of the presently pending claims do share a common utility (*e.g.*, ability to modulate JNK activity and treat or prevent diseases associate with JNK) and do share a substantial structural feature (*e.g.*, the anthrone core structure). Accordingly, Applicants believe that restriction is improper and request that the compounds of claims 13, 14, 109 and 110 be examined together.

However, in order to be fully responsive to the restriction requirement, Applicants elect Group II, Claims 13, 14, 109 (the remaining compounds not in Groups I or II) and 110, drawn to compounds.

Applicants respectfully request that the above remarks be entered in the present application file. No fee is believed to be due in connection with this Response other than that in connection with the Petition for Extension of Time Under C.F.R. §1.136(a); however, in the event that any fee is due, please charge the required fee to Jones Day Deposit Account No. 50-3013.

Date: July 21, 2004

Respectfully submitted,

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Enclosure